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No. 07-1471

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In The

Supreme Court of the United States

WILLIAM R. YEE,

Petitioner,

v.

MICHIGAN SUPREME COURT, et al.,

Respondents.

On Petition For Writ Of Certiorari To The United States Court Of Appeals For The Sixth Circuit

REPLY BRIEF

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INTRODUCTION

The Shiawassee Sheriff issued a ticket to Petitioner William Yee, hereinafter Mr. Yee, for loud music on William Yee's Property. The ticket was dismissed and no fine imposed. Mr. Yee asserts that the Cumming Lake Dam owners and operators raised Bambi Lake above 799.0 feet without a permit, a felony in the state of Michigan. Mr. Yee went onto Bambi Lake to photograph trees standing in water as proof of the felonious raising of Bambi Lake and flooding of Mr. Yee's property. The Shiawassee County Prosecutor Randy Colbry issued a warrant for Mr. Yee's arrest for stalking by photographing a crime scene and collecting evidence rather than arresting and prosecuting the owners and operators of Bambi Lake for raising Bambi Lake without a permit. William Yee presented himself to the State Police on multiple occasions. Mr. Cobry instructed the State Police not to arrest William Yee. This was felonious obstruction of Justice on the part of the Shiawassee County Prosecutor Randy Colbry. Respondent Dale Burmeister's pleading that William Yee had brushes with the law is an improper ad hominem attack and intentional distortion of the facts.

Respondents Michael J. Guss and Harvey Kruse, P.C. were in fact implicated in paragraphs 133 and 134 of the 1st Amended Complaint (R-2) in a conspiracy with Judge Fullerton and the MDEQ. It is a matter of public record that Michael J. Guss and Harvey Kruse, P.C., hereinafter respondents, did in fact represent George Braidwood and others in *Yee v.*

Shiawassee Co. Bd. of Comm'rs, 251 Mich. App. 379, 382, 651 N.W.2d 756 (2002), "*Harvey Kruse, P.C.* (by *Alan R. Sullivan*), for George Braidwood and others."

Respondents did in fact participate in the conspiracy with Judge Fullerton described in paragraphs 133 through 158 of the 1st Amended Complaint (R-2). Respondents continued their participation in the conspiracy when they did in fact take advantage of H. William Reising, Hon. John Connolly and Michael J. Mangapora's corruption of the mediation evaluation as described in paragraphs 159 through 166. Respondents continued their participation in the conspiracy when they used a trial brief as a motion for summary disposition in violation of *Oakwood Hospital v. Tobin*, 6 Mich. App. 566, 572, 149 N.W.2d 890 (1967), see paragraphs 167-223 of the 1st Amended Complaint (R-2).

ARGUMENT: I Criminal Acts Are Outside the Scope of Agency

Although at all times Respondents were acting as attorneys in a court of law by representing Mr. Braidwood and others, the scope of there agency cannot include obstruction of justice and other alleged crimes that corrupt the integrity of the court. Pursuant to paragraph 2 of the 1st amended complaint (R-2) the Respondents stand before this court as criminals participating in a criminal enterprise manifested by a pattern of racketeering conduct by the Respondents in violation of 18 U.S.C. § 1962 giving rise to

predicate federal claims under 42 U.S.C. § 1983, 42 U.S.C. § 1985, 18 U.S.C. § 241, 18 U.S.C. § 1341, and predicate state law claims that include extortion, theft, conspiracy, assault and battery, home invasion, illegal search and seizure etc., giving rise to an 18 U.S.C. § 1964(c) umbrella a claim with jurisdiction over federal claims pursuant to 28 U.S.C. § 1331 and jurisdiction of predicate states causes of actions intrinsic to federal causes of action pursuant to 28 U.S.C. § 1367. See *Miller v. Currie*, 50 F.3d 373, 377 (6th Cir. 1995), "considering a Rule 12(b)(6) motion must accept the well-pled factual allegations of the complaint as true and construe all reasonable inferences in favor of the Petitioner."

ARGUMENT: II A: Rooker Feldman Is Narrow And Does Not Apply

Rooker Feldman applies to injuries caused by judgments and not to a criminal process that leads to the judgments. Mr. Yee asserts that *Rooker Feldman* cannot shield Appellants for criminal acts in violation of 18 U.S.C. § 1962 giving rise to predicate federal claims under 42 U.S.C. § 1983, 42 U.S.C. § 1985, 18 U.S.C. § 241, 18 U.S.C. § 1341, and predicate state law claims that include extortion, theft, conspiracy, assault and battery, home invasion, illegal search and seizure etc., giving rise to an 18 U.S.C. § 1964(c) umbrella a claim with jurisdiction over federal claims pursuant to 28 U.S.C. § 1331 and jurisdiction of predicate states causes of actions intrinsic to federal causes of action pursuant to 28 U.S.C. § 1367.

See *McCormick v. Braverman*, 451 F.3d 382, 392 (6th Cir. 2006), "Instead, Plaintiff asserts *independent claims* that those state court judgments were procured by certain Defendants through fraud, misrepresentation, or other improper means."

ARGUMENT: II B: Collateral Estoppel Does Not Apply

The issues of criminal violation by the Michigan State Courts was not and could not be raised in those courts. The Judges were a party to the criminal conspiracy and committing obstruction of justice by allowing violation of the court rules and criminal conduct inherent in violation of 18 U.S.C. § 1962 giving rise to predicate federal claims under 42 U.S.C. § 1983, 42 U.S.C. § 1985, 18 U.S.C. § 241, 18 U.S.C. § 1341, and predicate state law claims that include extortion, theft, conspiracy, assault and battery, home invasion, illegal search and seizure etc., giving rise to an 18 U.S.C. § 1964(c) umbrella claim with jurisdiction over federal claims pursuant to 28 U.S.C. § 1331 and jurisdiction of predicate states causes of actions intrinsic to federal causes of action pursuant to 28 U.S.C. § 1367. Therefore collateral estoppel cannot apply.

ARGUMENT II C: The Statute of Limitations Does Not Apply

The Respondents have not recanted, abandoned or otherwise done any act to stop the conspiracy.

Therefore the statute of limitation is tolled in regards to claims.

Mr. Yee argues that his claims are not barred by any statute of limitations because defendants' continuing trespass and continuing conspiracy tolls the limitations period. The flooding of Mr. Yee's property and criminal conspiracy continues to this day as ongoing torts with the statute of limitations tolled pursuant to *Sable v. General Motors Corp.*, 90 F.3d 171, 176 (6th Cir. Mich. 1996):

> Plaintiff quotes *Oakwood Homeowners Ass'n, Inc. v. Ford Motor Co.*, 77 Mich. App. 197, 258 N.W.2d 475 (1977):
>
> > "Therefore, in the normal pollution case, since the tort is committed every day, the cause of action will accrue up to the time of trial." Id. At 220 n. 7, 258 N.W.2d 475. Plaintiff also cites Michigan cases in which a permanent sewer line running under a plaintiff's house was held to be a continuing tort that tolled the limitations period. See, e.g., *Defnet v. City of Detroit*, 327 Mich. 254, 41 N.W.2d 539 (1950); *Hodgeson v. Genesee County Drain Comm*, 52 Mich. App. 411, 217 N.W.2d 395 (1974). Plaintiff argues that the permanent trespass of hazardous waste on its land is analogous to the permanent presence of the sewage lines held to constitute a continuing

> trespass in *Defnet and Hodgeson*. . . . The Court held that plaintiff's claim was not tolled under the continuing wrongful-acts doctrine because "a continuing wrong is established by continual tortuous acts, not by continual harmful effects from an original completed act."

Finally, the act of one is the act of all in a conspiracy pursuant to *People v. Grant*, 455 Mich. 221, 236, 565 N.W.2d 389 (1997):

> The gist of conspiracy is the unlawful agreement. People v Carter, 415 Mich. 558, 568; 330 N.W.2d 314 (1982). A conspirator need not participate in all the objects of the conspiracy. People v Garska, 303 Mich. 313; 6 N.W.2d 527 (1942). In fact, he need not even know all the other co-conspirators. People v DeLano, 318 Mich. 557, 567; 28 N.W.2d 909 (1947), cert. den. 334 U.S. 818; 68 S. Ct. 1082; 92 L. Ed. 1748 (1948). In fact:
>
> "It is a general rule that each conspirator is criminally responsible for the acts of his associate committed in furtherance of the common design and before the accomplishment thereof, the act of one or more being in contemplation of law the act of all. 15A CJS, Conspiracy, § 74, p 825."

CONCLUSION

The criminal conspiracy continues in the Michigan Courts. The United States Supreme Court should grant Certiorari as the time is ripe to stop criminal corruption in the Michigan Courts.

The United States Supreme Court should grant review on the record, without a Joint Appendix, as there has been no evidentiary hearing, and the matter stands before this court based upon pleadings and motions with no testimony or other evidence to contemplate.

Respectfully submitted,

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